

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY TIES, and  
LORETTA A. TIES,

Plaintiffs,

V.

ALAN BRIAN STRAIN, d/b/a STRAIN  
ENTERPRISES,

Defendant.

4:09CV3172

# MEMORANDUM AND ORDER

Plaintiffs' counsel has moved to withdraw due to a conflict of interest. Filing No. 40.

Accordingly,

IT IS ORDERED:

- 1) The motion to withdraw filed by plaintiffs' counsel, Jeffery H. Jacobsen, (filing no. 40), is granted.
- 2) On or before November 22, 2010, the plaintiffs, or each of them, shall either: (1) obtain the services of substitute counsel and have that attorney file an appearance on their behalf; or (2) file a statement notifying the court of their intent to litigate this case without counsel. Failure to comply with this order may result in dismissal of the non-complying party's claims for want of prosecution.
- 3) Counsel Jeffery H. Jacobsen shall promptly provide a copy of this memorandum and order to the plaintiffs, and shall file a certificate of service (which includes the plaintiffs' addresses along with the date and method of service) stating he has done so.

DATED this 28<sup>th</sup> day of October, 2010.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge